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INTERNATIONAL BUSINESS MACHINES
CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS ROSENBERG, JOHN
SHELLY and EXALDO TOPACIO, on
behalf of themselves and classes of those
similarly situated,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

Case No. 06-0430 PJH

**STIPULATION AND [PROPOSED]
ORDER CONTINUING DATE FOR
INITIAL CASE MANAGEMENT
CONFERENCE**

Pursuant to Local Rule 6-2(a), Plaintiffs Thomas Rosenberg, et al. ("Plaintiffs") and Defendant International Business Machines Corporation ("Defendant") (collectively, "the Parties"), by and through their undersigned counsel, hereby stipulate to a two-week continuance of the initial Case Management Conference in this case, from May 11, 2006 to May 25, 2006. Defendant requested this stipulation and submits that good cause exists for the requested continuance as follows:

(1) The requested continuance is necessary because lead counsel for Defendant will not be available on May 11, 2006, due to a pre-existing business commitment on the East coast that cannot be rescheduled.

STIPULATION AND [PROPOSED] ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE
SFI-538896v1

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(2) The only other time modification the Parties have sought in this case was a thirty-day stipulated extension of the deadline for Defendants to respond to the Complaint.

(3) The requested continuance of the Case Management Conference will not affect the schedule of this case as the case has only recently been commenced and no scheduling order has issued.

Dated: March 14, 2006

JONES DAY

By: /S/ Donna M. Mezias
Donna M. Mezias
Attorneys for Defendant
INTERNATIONAL BUSINESS MACHINES
CORPORATION

Dated: March 14, 2006

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP

By: /S/ James M. Finberg
James M. Finberg
Attorneys for Plaintiffs

PROPOSED ORDER

PURSUANT TO STIPULATION, AND GOOD APPEARING, IT IS SO ORDERED.

March 15, 2006



STIPULATION AND [PROPOSED] ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE
SFI-538896v1

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